(d) if so, the details thereof; and

(e) the present status thereto?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRIMATI PANABAKA LAKSHMI): (a) Yes, Sir.

(b) to (e) Government of Maharashtra submitted a proposal in December, 2001 for strengthening the quality of medical education and improving the physical infrastructure of the Government medical colleges and attached hospitals for financial assistance of Rs. 550 crores from World Bank. The proposal was examined, in consultation with Department of Economic Affairs, Planning Commission and World Bank. Department of Economic Affairs has communicated that the present focus of World Bank funding for health sector is on disease control, primary health, family welfare and immunization, thus the proposal of Government of Maharashtra for strengthening the medical education is not in line with present priorities of World Bank funding for the Health Sector in India. The above views have been communicated to the State Government on 30th January, 2004.

Apex Court's ruling on negligence of doctor leading to patient's disability/death

244.SHRI MANOJ BHATTACHARYA: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the Supreme Court of India has recently ruled that an error of judgement on the part of the doctor leading to a patient's permanent disability or death would not render the doctor liable to criminal proceedings;

(b) if so, the details thereof;

(c) whether Government are aware that the said ruling has lead to a sense of panic and helplessness among the public;

(d) if so, whether the Government would prefer a review petition against the judgement and if not, the reasons therefor; and

(e) what other steps are proposed to allay the public misapprehensions in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRIMATI PANABAKA LAKSHMI): (a) to (e) In a judgement dated 4.8.2004 in the criminal appeal No. 778 of 2004, the Hon'ble Supreme Court of India has held that the legal position is almost firmly established that where a patient dies due to the negligent medical treatment of the doctor, the doctor can be made liable in civil law for paying compensation and damages in tort and at the same time, if the degree of negligence is so gross and his act was so reckless as to endanger the life of the patient, he would also be made criminally liable for offence under Section 304-A IPC. For fixing criminal liability on a doctor or surgeon, the standard of negligence required to be proved should be so high as can be described as "gross negligence" or "recklessness". It further held that mere inadvertence or some degree of want of adequate care and caution might create civil liability but would not suffice to hold him criminally liable. In this case, the Hon'ble Court finally held that no case of recklessness or gross negligence had been made out against the doctor concerned to compel him to face trial for offence under Section 304-A of IPC.

At present, the Central Government has no proposal to prefer a review petition against the above judgement of the Supreme Court. There are provisions available in the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations 2002 under which any complaint with regard to professional misconduct against a doctor can be brought before the Medical Council of India or appropriate State Medical Council and if the concerned Council after holding an enquiry in the matter comes to the conclusion that the doctor concerned is guilty of misconduct, the Council may award such punishment as deem necessary or may direct removal altogether or for a specified period, the name of the delinquent doctor from the Register.

Import of contaminated blood from UK

245. SHRIMATI S.G. INDIRA:
SHRI TARIQ ANWAR:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that blood product samples contaminated with the human form of the mad cow disease had been imported into India from Britain;